

**REGULAR MEETING
JUNE 3, 1999**

The Ashland Board of Commissioners met in Regular Session in the Commission Chambers, City Building, Ashland, Kentucky, on Thursday, June 3, 1999, at the hour of 7:00 PM. Those present were Commissioners: Nancy Dickinson, Paul Reeves, Kevin Gunderson, Michael Stewart and Mayor A. R. Dunnigan, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Deborah D. Musser, City Clerk; Gary Watts, Fire Chief; Tom Kelley, Acting Chief of Police; Tony Grubb, Finance Director; Doug Burns, Director of Planning and Community Development; Joseph P. Harris, Director of Public Services; Amanda Sinnette, Economic Development Director; Marion Russell, Assistant Director of Public Services; Michelle Veach, Assistant Finance Director and Reporters.

The invocation was given by Commissioner Gunderson.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Fisher presented the agenda of June 3, 1999. Motion was made by Reeves, seconded by Stewart, to receive and file the agenda. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

MINUTES

Motion was made by Stewart, seconded by Dickinson, to dispense with the reading and approve the minutes of the Called Meeting held on March 17, 1999 and the Regular Meetings held on March 18, April 1, April 15, May 6 and May 20, 1999. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

HEARINGS AND REPORTS

City Manager's Report - City Manager Fisher advised that the Finance Department had prepared and mailed approximately 1500 packets on the occupational license fee.

Mayor's Comments - Mayor Dunnigan reported that he had requested the figures for the Municipal Aid Program for the last five (5) years for review. This fund is the money used to pave streets.

PUBLIC PARTICIPATION

Jimmy Johnson, Administrator for the Boyd County Animal Shelter, reported on the status of the facility. Bids were received for enlarging the facility in amounts of \$95,000 to \$127,000. Records indicate that the county provides 58% of the animals housed and the City's portion is 42%. He is meeting with the Fiscal Court to request funding for the project. Mr. Johnson will return to next Commission meeting with information about the Boyd County Fiscal Court pledge.

ORDINANCE NO. 61, 1999

SECOND AN ORDINANCE OF THE CITY OF ASHLAND

FOR A DRIVEWAY AT 2333 BROAD STREET ON THE
CITY'S RIGHT-OF-WAY.

REGULAR MEETING JUNE 3, 1999

ORDINANCE NO. 61, 1999 CONTINUED

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Ashland Board of City Commissioners hereby authorizes and directs A. R. Dunnigan, Mayor, to execute an agreement between the City of Ashland and Curtis Livingston regarding an encroachment for a driveway at 2333 Broad Street which involves using a portion of the City's right-of-way. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 20, 1999

READOPTED BY THE BOARD OF COMMISSIONERS: June 3, 1999

PUBLISHED:

MOTION

Motion was made by Gunderson, seconded by Reeves, to adopt Ordinance No. 61, 1999, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 62, 1999

SECOND

AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AUTHORIZING AND
DIRECTING A. R. **AND** DUNNIGAN, MAYOR,
TO EXECUTE A LEASE **FINAL** AGREEMENT
BETWEEN THE CITY OF ASHLAND AND **ADOPTION**
FIVCO AREA DEVELOPMENT DISTRICT
REGARDING THE PARKING LOT LOCATED ON THE
SOUTHWEST CORNER OF 14TH STREET AND
WINCHESTER AVENUE WHICH SERVES THE G. B.
JOHNSON BUILDING LOCATED AT 1401 WINCHESTER
AVENUE.

FIVCO Area Development District regarding the parking lot located on the southwest corner of 14th Street and Winchester Avenue which serves the G. B. Johnson Building located at 1401 Winchester Avenue. A true copy of said lease agreement is attached hereto and made a part hereof by reference.

SECTION 2. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

REGULAR MEETING JUNE 3, 1999
ORDINANCE NO. 62, 1999 CONTINUED

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 20, 1999
READOPTED BY THE BOARD OF COMMISSIONERS: June 3, 1999
PUBLISHED:

MOTION

Motion was made by Reeves, seconded by Stewart, to adopt Ordinance No. 62, 1999, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 63, 1999

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AUTHORIZING AND
DIRECTING A. R. **AND** DUNNIGAN, MAYOR,
TO EXECUTE A LETTER TO THE **FINAL** STATE OF
KENTUCKY STATING THAT WOOLPERT **ADOPTION**
ENGINEERING WILL BE PREPARING THE
DESIGN FOR THE RELOCATION OF UTILITIES ON THE
13TH STREET PROJECT.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Ashland Board of City Commissioners hereby authorizes and directs A. R. Dunnigan, Mayor, to execute and submit on behalf of said City a letter to the State of Kentucky stating that Woolpert Engineering will be preparing the design for the relocation of utilities on the 13th Street project. A true copy of said letter is attached hereto and made a part hereof by reference.

summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

REGULAR MEETING JUNE 3, 1999
ORDINANCE NO. 63, 1999 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: May 20, 1999
READOPTED BY THE BOARD OF COMMISSIONERS: June 3, 1999
PUBLISHED:

MOTION

Motion was made by Stewart, seconded by Gunderson, to adopt Ordinance No. 63, 1999, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 64, 1999

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, PROHIBITING PARKING ON
THE NORTH **AND** SIDE OF MONTGOMERY
AVENUE FROM THE **FINAL** INTERSECTION OF
8TH STREET TO ITS INTERSECTION **ADOPTION**
WITH 10TH STREET, PROVIDING A PENALTY FOR
THE VIOLATION OF THIS ORDINANCE AND
REPEALING ORDINANCE NO. 4, SERIES OF 1959.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 4, Series of 1959, is hereby repealed.

SECTION 2. That it shall be unlawful for any person, firm or corporation to park and leave standing any vehicle on the north side of Montgomery Avenue from the intersection of 8th Street to its intersection with 10th Street.

SECTION 3. The Director of Public Services is hereby authorized and directed to install appropriate signs and/or curb or street markings to properly carry the provisions of this ordinance into effect.

SECTION 4. The Chief of Police is hereby authorized and directed to properly carry the provisions of this ordinance into effect and to take appropriate steps to enforce same.

SECTION 5.

5.1 Any person, firm or corporation violating the terms of this ordinance who chooses to prepay the administrative penalty, the rate shall not be less than Ten Dollars (\$10.00).

5.2 If violation of this ordinance results in a uniform citation being issued, any

the extent of such conflict only, are hereby repealed.

SECTION 7. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

REGULAR MEETING JUNE 3, 1999
ORDINANCE NO. 64, 1999 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: May 20, 1999
READOPTED BY THE BOARD OF COMMISSIONERS: June 3, 1999
PUBLISHED:

MOTION

Motion was made by Reeves, seconded by Dickinson, to adopt Ordinance No. 64, 1999, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 65, 1999

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, PROHIBITING PARKING IN
THE 100 **AND** BLOCK OF 17TH STREET,
REPEALING ORDINANCE NO. **FINAL** 120, SERIES OF
1984 AND PROVIDING A PENALTY **ADOPTION**
FOR THE VIOLATION OF THIS ORDINANCE.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Ordinance No. 120, Series of 1984, is hereby repealed.

SECTION 2. That it shall be unlawful for any person, firm or corporation to park and leave standing any vehicle in the 100 block of 17th Street, more particularly described as follows:

Beginning at a point 5'6" from the intersection of the westerly line of 17th Street with the northerly line of an alley (said alley lying between and running parallel to Front Street and Greenup Avenue); thence extending in a northerly direction along the westerly line of 17th Street 34'2" to the point of beginning.

SECTION 3. The Director of Public Services is hereby authorized and directed to install appropriate signs and/or curb or street markings to properly carry the provisions of this ordinance into effect

Ten Dollars (\$10.00).

- 5.2 If violation of this ordinance results in a uniform citation being issued, any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a violation and shall be punished by a fine not less than Ten Dollars (\$10.00) nor more than any stated amount provided in KRS 534.040 for a violation offense.

SECTION 6. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 7. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/A. R. DUNNIGAN
MAYOR

REGULAR MEETING JUNE 3, 1999
ORDINANCE NO. 65, 1999 CONTINUED

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 20, 1999
READOPTED BY THE BOARD OF COMMISSIONERS: June 3, 1999
PUBLISHED:

MOTION

Motion was made by Reeves, seconded by Gunderson, to adopt Ordinance No. 65, 1999, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 66, 1999

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AMENDING SECTIONS 7, 35
AND 38 OF **AND** ORDINANCE NO. 78, SERIES
OF 1998, WHICH **FINAL** REGULATES AND
CONTROLS THE LICENSING, **ADOPTION**
OPERATION, ADMINISTRATION AND
ENFORCEMENT OF THE SALE OF ALCOHOLIC
BEVERAGES IN THE LIMITED SALE PRECINCTS IN THE
CITY AND CREATING DUTIES AND RESPONSIBILITIES
FOR THE CITY ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATOR.

* * * *

WHEREAS the Board of City Commissioners desires to bring its regulatory

CREATING THE REGULATIONS FOR CONTROL, LICENSING, OPERATION, ADMINISTRATION AND ENFORCEMENT OF THE SALE OF ALCOHOLIC BEVERAGES IN THE LIMITED SALE PRECINCTS IN THE CITY AND CREATING DUTIES AND RESPONSIBILITIES FOR THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR AND REPEALING ORDINANCE NO. 1, SERIES OF 1998, AMENDMENTS THERETO”, be and said sections are hereby amended to read as follows, such amendments shown by a single broken line through all deleted language and by underscoring all newly inserted language:

SECTION 7. LICENSES.

As used in this section "license" means any premises licensed by the City to sell alcoholic beverages, whether the premise license(s) permit(s) distilled spirits, wine or malt beverage or any combination thereof.

As used in this section:

"bona fide restaurant" means a premise which can demonstrate to the City Administrator that the gross sales of the restaurant from the sale of food for consumption on the premises is to be not less than fifty percent (50%) of the total gross sales of such licensee restaurant for the annual license period and has dining facilities for not less than one hundred (100) persons.

REGULAR MEETING JUNE 3, 1999
ORDINANCE NO. 66, 1999 CONTINUED

“hotel, motel or inn” means any premise which can demonstrate to the City Administrator that the gross sales of the restaurant located within such hotel, motel and inn from the sale of food for consumption on the premises is to be not less than fifty percent (50%) of the total of gross sales of such licensee restaurant for the annual period and has dining facilities of not less than one hundred (100) persons.

The City Administrator shall review the licensee's records and monthly returns required under Section 25 to determine if the licensee has met this definition to permit renewal of such license.

In no event shall a license for renewal be issued for any restaurant or any dining facility in a hotel, motel or inn, unless the applicant can demonstrate to the Administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total gross receipts of such restaurant or dining facility for the license period and has dining facilities for not less than one hundred (100) persons.

Pursuant to the provisions of KRS 242.1292(5) in each limited sale precinct the following licenses are provided for:

(a) **Herbst/Ginn Precinct.**

Six (6) licenses permitting the package sale at retail.

Ten (10) licenses permitting the sale by the drink for consumption by the general public on the premises.

(b) **Wright Precinct.**

Three (3) licenses permitting the package sale at retail.

Three (3) licenses permitting the package sale at retail.

Four (4) licenses permitting the sale by the drink for consumption by the general public on the premises.

The licenses listed above shall be otherwise consistent with qualifications and requirements of statute and the criteria contained in Appendix A (Appendix A results from the Economic Development Strategy adopted by Ordinance No. 8, 1981, as required by KRS 242.1292) attached hereto and incorporated herein as if set out in full, shall be applied where more than one applicant applies for an available license, otherwise, their application shall be considered in the discretion of the City Administrator.

Licenses issued permitting the sale by the drink for consumption by the general public on the premises shall be granted only to a hotel, motel or inn with not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons or to bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons.

(d) Pursuant to KRS 242.1292(5)(b) ~~additional special private club~~ licenses to sell alcoholic beverages by the drink for consumption on the premises ~~have been~~ may be granted to the following existing any non-profit, social, fraternal, military or political organization or club membership clubs established and maintained for the benefit of members only which are bona fide fraternal or veterans organizations: , and which otherwise meet the criteria set out in KRS 243.270.

REGULAR MEETING JUNE 3, 1999

ORDINANCE NO. 66, 1999 CONTINUED

~~American Legion Post #76—405 20th St.~~

~~B.P.O.E. Lodge 350—900 Carter Ave.~~

~~Daniel Boone Aerie #2329 Fraternal Order of Eagles—701 Carter Ave.~~

~~Knights of Columbus—1009 Winchester Ave.~~

~~Ashland Lodge #892 Loyal Order of Moose, Inc.—2314 Winchester Ave.~~

~~Ashland Veteran's of Foreign Wars (V.F.W.) #10017—1101 Greenup Ave.~~

- (1) Membership qualifications shall be consistent with their national organization, and a policy for courtesy membership or any temporary membership privilege will not be tolerated. The existence of such a membership policy shall be a violation of this Ordinance.
- (2) Should membership qualifications be altered the club making such change shall furnish a copy of the proposed alteration within ten (10) days to the City Administrator. Failure to furnish such change shall constitute a violation.
- (3) Clubs licensed to sell alcoholic beverages will provide to the City Administrator a list of its officers and notify the City Administrator of any change thereto. Club officers for the licensing year shall not have been convicted of any felony within the past five years or two misdemeanors or offenses directly or indirectly attributable to the use of intoxicating liquors within the past five years.

boundaries for the purpose of this Ordinance and its regulation of the sale of alcohol within such affected precinct(s).

(f) Those other licenses permitted in wet territory under KRS 243.030 and KRS 243.040 which KRS 243.070 permits the City to impose fees for the privilege of such license may be issued by the City Administrator.

(g) Entertainment. Any licensee under this section desiring to provide entertainment to patrons of such licensed premise must first obtain a separate entertainment license by application to the City Administrator under this section in the form approved by the City Manager or his designee.

(1) Term of such license shall be concurrent with the retail drink license.

(2) Fee for such license shall be one hundred dollars (\$100.00).

(3) This license shall be subject to the same sanctions as the retail drink license.

The purpose of this section is to provide City review of the type of such entertainment to promote the public health, safety, morals and welfare, and such licenses will not be unreasonably withheld, but periodic review will occur to protect those interests of the community set out herein.

REGULAR MEETING JUNE 3, 1999 **ORDINANCE NO. 66, 1999 CONTINUED**

(h) While KRS 244.330 permits one bar, counter or similar contrivance in any licensed premise under a single retail drink license, due to modern business practices and the large interior areas of some licenses, it may be necessary to provide more than one bar within a licensed premises to effectively serve the patrons at such premises. A supplemental bar may be allowed to a licensee, if such licensee can show the City Administrator the need for such supplemental bar and upon payment of an additional fee. A supplemental bar license may be issued to a licensee upon a showing to the City Administrator of good cause and need for the supplemental license, and upon payment of a fee equivalent to the amount of the annual license fee paid by the licensee. This supplemental license may only be issued for the use on the premises for which the applicant's existing license was issued.

(1) Additional service bars are permitted as provided under KRS 244.330 not in rooms in which members or guests or patrons of the place shall be permitted to come and no distilled spirits or wine shall be served at service bars.

SECTION 35. HOURS FOR THE SALE AND DELIVERY.

(a) Premises licensed may remain open for business daily from 9:00 a.m. until 2:00 a.m. prevailing time and, shall have their "last call for drinks at 1:30 a.m., except that no sale of alcoholic beverages may be made from 2:00 a.m. on Sunday until 9:00 a.m. on Monday or when prohibited by state statute. Licensed premises may be open outside of the hours stated herein so long as the licensee secures the alcoholic beverages in a locked manner denying access to customers.

(b) Premises licensed permitting the package sale at retail may operate for business daily from 9:00 a.m. until Midnight, prevailing time.

(c) All licensed premises ~~must be closed~~ shall secure the alcoholic beverages in a locked manner denying access to customers during hours polls are open on

All licenses granted under this ordinance shall be subject to the following conditions, prohibitions and/or restrictions and all other provisions of KRS Chapters 241, 242, 243 and 244 other ordinances and regulations of the City applicable thereto:

(a) Every licensee hotel/motel and licensee private club shall be entitled to serve such beverages as such licensee is entitled to serve in a separate room or rooms at banquets or dinners or where meals are served; however, no hotel/motel or private club shall maintain or operate or permit to be operated more than one bar or room where alcoholic beverages are sold and which is opened to the general public without first obtaining a separate license for each bar or room which is opened to the general public.

(b) Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises and no nuisance suffered, permitted or maintained thereon.

(c) No gambling or game of chance shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.

(d) It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from the Regional Public Safety Communications Center as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the Chief of Police or the City Administrator shall have the authority to confiscate any and all such radio receiving apparatus.

REGULAR MEETING JUNE 3, 1999

ORDINANCE NO. 66, 1999 CONTINUED

(e) It shall be unlawful for any licensee under this Ordinance to permit the sale, use and/or storage of controlled substances defined in KRS Chapters 218A.050, 070, 090, 110 and 130 with the exception of possession of properly prescribed medications upon the licensed premises. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbiturate drugs. In addition to other penalties set out in this Ordinance for the violation of this section, the City Administrator shall also have the authority to revoke the license issued to said premises.

(f) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(g) No license shall be issued to any person, firm or corporation for the sale at retail of any alcoholic beverage at any store or other place of business where a substantial portion of its business consists of the selling of school books, school supplies, food, lunches or drinks for such minors irrespective of the distance of such store or other place of business from a church, school or hospital.

Nor shall any license be issued for the sale of any alcoholic beverage for any premises used as ~~or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline and/or lubricating oil~~ or as a drug store in which a registered pharmacist is employed.

(h) It shall be unlawful for any licensee under this ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize or for any other purpose in connection with the sale of

persons, other than employees of the licensee, to open any bottle of distilled spirits, wine or malt beverages, and no container of distilled spirits, wine or malt beverage shall be opened nor its contents consumed on the licensed premises unless the licensee holds a retail drink license.

(k) As used in this section: "Premises" means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business establishment is situated.

- (i) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.
- (ii) No person under 21 years of age shall possess for his or her own use, or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.
- (iii) No person under 21 years of age shall misrepresent his or her age for the purpose of inducing any licensee, or other employee of any licensee, to sell or serve any alcoholic beverages to such person.

REGULAR MEETING JUNE 3, 1999
ORDINANCE NO. 66, 1999 CONTINUED

- (iv) No person under 21 years of age shall use or attempt to use any false, fraudulent, or altered identification card or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.
- (v) It shall be unlawful for any person under the age of twenty-one (21) years to possess in the City of Ashland, Kentucky, any alcoholic beverages outside of the confines of his, or her, abode or residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.

(l) It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least eight (8) inches by eleven (11) inches in size which shall show, in thirty (30) point or large type, substantially as follows:

WARNING TO MINORS

Persons under the age of twenty one (21) are subject to a fine of up to one hundred (\$100.00) dollars if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.

(m) No wholesaler or distributor shall sell any alcoholic beverages to any person in the City for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.

(n) Persons at least eighteen (18) years of age may stock, arrange displays, accept payment for and sack malt beverages by the package, under the supervision of an adult. Delivery of malt beverages away from the parking area of the licensed premises shall not be performed by any under the age of twenty (20) years.

(o) No licensee shall knowingly or willfully allow in, upon or about his licensed premises lewd, immoral or obscene entertainment, activities or advertising materials.

(p) Any premises used as ~~or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, gasoline and lubricating oil, or as a drug store in which a registered pharmacist is employed,~~ shall not be considered by the City for application of a license permitting the package sale at retail of malt beverages.

(q) No malt beverages shall be sold or purchased for consumption on a premise with a carry-out license. No malt beverages shall be sold or purchased to be carried out of a premise with a restaurant or hotel/motel by-the-drink license.

SECTION 2. All other ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

/s/A. R. DUNNIGAN
MAYOR

REGULAR MEETING JUNE 3, 1999
ORDINANCE NO. 66, 1999 CONTINUED

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 20, 1999
READOPTED BY THE BOARD OF COMMISSIONERS: June 3, 1999
PUBLISHED:

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. 66, 1999, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1999

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AMENDING SECTION 1 OF
ORDINANCE **AND** NO. 12, SERIES OF 1980,
PREVIOUSLY AMENDED BY **ADOPTION**

Motion was made by Gunderson, seconded by Reeves, to adopt Ordinance No. _____, 1999, at this its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 67, 1999

SECOND AN ORDINANCE OF THE CITY OF ASHLAND, **READING** KENTUCKY, AMENDING SECTION 1 OF ORDINANCE **AND** NO. 129, SERIES OF 1987, AS PREVIOUSLY AMENDED **FINAL** BY ORDINANCE NO. 2, SERIES OF 1988, ORDINANCE **ADOPTION** NO. 65, SERIES OF 1988, ORDINANCE NO. 66, SERIES OF 1996 AND ORDINANCE NO. 22, SERIES OF 1998, AMENDING THE BOUNDARIES OF THE CITY OF ASHLAND'S ENTERPRISE ZONE.

* * * *

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Section 1 of Ordinance No. 129, series of 1987, as previously amended by Ordinance No. 2, series of 1988, Ordinance No. 65, series of 1988, Ordinance no 66, series of 1996, and Ordinance No. 22, series of 1998, being an ordinance entitled, "AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING THE EXPANSION OF THE CITY OF ASHLAND'S ENTERPRISE ZONE AND REPEALING ORDINANCE NO. 116, SERIES OF 1987, AND DECLARING AN EMERGENCY TO EXIST TO ALLOW TWO READINGS OF THIS ORDINANCE ON THE SAME DAY", be and said section is hereby amended to read as follows, such amendment shown by a single broken line through all deleted language and by underscoring all newly inserted language:

REGULAR MEETING JUNE 3, 1999 **ORDINANCE NO. 67, 1999 CONTINUED**

SECTION 1. That the following described Enterprise Zone district of said City is economically depressed according to KRS 154.45 - 001:

Beginning at a point in west Ashland where the corporation line meets the Ohio River; thence downstream with the Ohio River 11,850 feet more or less to a point in the City of Russell corporation line; thence leaving the Ohio River and running with the Russell corporation line in a southwesterly direction a distance of 400 feet more or less to a point on the southern side of the C & O Railroad tracks; thence along the southern side of C & O Railroad tracks in a southeasterly direction a distance of ~~10,000 feet more or less~~ 3,611 feet more or less to a point along the southern side of the C & O Railroad tracks, said point being the intersection of southern side of the C & O Railroad tracks and the projected northerly right-of-way line of State Route 1725 (Ashland Drive); thence in a southwesterly direction with the northerly right-of-way line of 1725 (Ashland Drive), 5,121 feet more or less to the northerly right-of way line of Diederich Boulevard; thence in an easterly direction with the northerly right-of-way line of

intersection of the southerly right-of-way of Ashland Drive and the southern side of the C & O Railroad tracks; thence along the southern side of the C & O Railroad tracks in a southeasterly direction a distance of 6,389 feet more or less to a point in the Boyd-Greenup county line; thence leaving the City of Russell corporation line along the Boyd-Greenup county line in a southwesterly direction a distance of 300 feet more or less to the centerline of new U.S. 23; thence with the centerline of new U.S. 23 south 7,600 feet more or less to a point in the Ashland corporation line; thence with the corporation line southwesterly 1,250 feet; thence in a southerly direction along the corporation line approximately 400 feet to a point; thence in a easterly direction along the corporation line approximately 100 feet to a point, thence in a southeasterly direction along the corporation line approximately 900 feet to a point; thence in a southwesterly direction along the corporation line approximately 1,400 feet to a point, centerline of Ferguson Road; thence in a southerly direction along the centerline of Ferguson Road approximately 450 feet to a point, centerline of 6th Street; thence in a southwesterly direction along the centerline of 6th Street; approximately 1,350 feet to a point centerline of Jenkins Street; thence in a northwesterly direction along the centerline of Jenkins Street approximately 300 feet to a point, centerline of Cedar Street; then in a southwesterly direction approximately 350 feet to a point, centerline of Blackburn Avenue; then in a southerly direction along the centerline of Blackburn Avenue approximately 1,900 feet to a point, centerline of Dixon Street; thence in a easterly direction along the centerline of Dixon Street approximately 1,800 feet to a point, in a northeasterly direction along the centerline of Dixon Street approximately 650 feet to a point, centerline of Pollard Road; thence in an easterly direction along the centerline of Pollard Road approximately 1,250 feet to a point, western edge of commercially zoned property of 13th Street, thence along the western edge of commercially zoned property in a northeasterly direction approximately 650 feet to a point, in a northerly direction along the western edge of the commercially zoned property approximately 300 feet to a point, in a northerly direction

REGULAR MEETING JUNE 3, 1999

ORDINANCE NO. 67, 1999 CONTINUED

along the western edge of commercially zoned property approximately 1,300 feet to point; thence in a northeasterly direction along the western edge of commercially zoned property 350 feet to a point; thence in a southeasterly direction along the eastern edge of commercially zoned property approximately 225 feet to a point; thence in a northeasterly direction along the western edge of commercially zoned property approximately 75 feet to a point; thence in a southeasterly direction along the eastern edge of commercially zoned property approximately 125 feet to a point; thence in a northeasterly direction along the western edge of commercially zoned property approximately 200 feet to a point; thence in a southeasterly direction along the eastern edge of commercially zoned property approximately 50 feet to a point; thence in a northeasterly direction along the western edge of commercially zoned property approximately 75 feet to a point, thence in a southeasterly direction along the eastern edge of commercially zoned property approximately 325 feet to a point; thence in a southeasterly direction along the eastern edge of

southwesterly direction along the centerline of 12th Street approximately 210 feet to a point; thence in a southeasterly direction approximately 380 feet to a point in the centerline of 13th Street; thence in a northeasterly direction along the centerline of 13th Street approximately 610 feet to the centerline of Central Avenue; thence in a southeasterly direction with the centerline of Central Avenue approximately 4,270 feet to a point centerline of 23rd Street; thence in a southwesterly direction along the centerline of 23rd Street approximately 1,560 feet to a point, centerline of Hilton Avenue; thence in a southeasterly direction along the centerline of Hilton Avenue approximately 1,900 feet to a point; thence in a southerly direction along the centerline of Hilton Avenue approximately 350 feet to a point; thence in an easterly direction along the centerline of Hilton Avenue approximately 75 feet to a point, western edge of commercially zoned property of 29th Street; thence in a southerly direction along the western edge of commercially zoned property approximately 425 feet to a point, centerline of 29th Street; thence in a northwesterly direction along the northern edge of commercially zoned property along the northern edge of commercially zone property approximately 175 feet to a point, in a southwestern direction along the western edge of commercially zoned property approximately 200 feet to a point, in a southeasterly direction along the southern edge of commercially zoned property approximately 175 feet to a point, centerline of 29th Street; thence in a southwesterly direction along the centerline of 29th Street approximately 250 feet to a point; thence in a southeasterly direction along the southern edge of commercially zoned property approximately 250 feet to a point, back lot lines; thence in a northeasterly direction along the back lot lines approximately 2,275 feet to a point, centerline of 39th Street; thence in an easterly direction along the centerline of 39th Street approximately 400 feet to a point, centerline of Haywood Avenue; thence in a southeasterly direction along the centerline of 39th Street approximately 1,350 feet to a point, centerline of Wallace Street; thence in an easterly direction along the centerline of 39th Street approximately 450 feet to a point, centerline of Gartrell Street; thence in a southerly direction along the centerline of Gartrell Street

REGULAR MEETING JUNE 3, 1999

ORDINANCE NO. 67, 1999 CONTINUED

approximately 1,400 feet to a point; thence in southeasterly direction along the centerline of Gartrell Street approximately 675 feet to a point, thence in a southerly direction along the centerline of Gartrell Street approximately 225 feet to a point, centerline of Ridgeway Avenue; thence in a southerly direction along the centerline of Ridgeway Avenue approximately 675 feet to a point, centerline of Birch Street; thence in a southeasterly direction along the centerline of Birch Street approximately 900 feet to a point, thence continuing in a southeasterly direction approximately 700 feet to a point, centerline of Keys Creek; thence in a southerly direction along the centerline of Keys Creek approximately 525 feet to a point; thence in a southeasterly direction along the centerline of Keys Creek approximately 975 feet to a point; thence in a southwesterly direction along the centerline of Keyes Creek approximately 200 feet to a point, along the corporation line; thence in a southerly direction along the corporation line approximately 1,275 feet to a point, centerline of 55th Street; thence in a

to a point, where the corporation line meets the Ohio River; thence in a northerly direction along the Ohio River approximately 7,500 feet to a point; thence in a northwesterly direction along the corporation line and Ohio River approximately 20,550 feet to the point of beginning; thence leaving the City of Ashland Corporate limits and including the entire Corporate limits of Catlettsburg, Kentucky.

SECTION 2. All ordinances of the City of Ashland an any parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance by in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 20, 1999

READOPTED BY THE BOARD OF COMMISSIONERS: June 3, 1999

PUBLISHED:

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. 67, 1999, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

REGULAR MEETING JUNE 3, 1999

ORDINANCE NO. 68, 1999

ORDINANCE NO. 68, 1999

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AUTHORIZING AND
DIRECTING A.R. **AND** DUNNIGAN, MAYOR,
TO EXECUTE AND AMENDED **FINAL** INTERLOCAL
AGREEMENT BETWEEN THE CITY OF **ADOPTION**
ASHLAND, KENTUCKY, THE CITY OF
CATLETTSBURG, KENTUCKY, THE CITY OF RUSSELL,
KENTUCKY AND THE COUNTIES OF BOYD AND
GREENUP, KENTUCKY.

depressed area pursuant to KRS 154.45-020, and

WHEREAS, such legislation requires each legislative body to designate the area described herein as economically depressed pursuant to the provisions of KRS 65.210-65.300, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That A.R. Dunnigan, Mayor of the City of Ashland, be and he is hereby authorized and directed to execute and Amended Interlocal Agreement between the City of Ashland, Kentucky, City of Catlettsburg, Kentucky, City of Russell, Kentucky, and the Counties of Boyd and Greenup, Kentucky, said agreement to include the Ashland Drive & Ashland Oil Drive and the area between those two roads in the Enterprise Zone. A true copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 3. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: May 20, 1999
READOPTED BY THE BOARD OF COMMISSIONERS: June 3, 1999
PUBLISHED:

MOTION

Motion was made by Stewart, seconded by Gunderson, to adopt Ordinance No. 68, 1999, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

REGULAR MEETING JUNE 3, 1999 RESOLUTION NO. 15, 1999

RESOLUTION NO. 15, 1999

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF JUNE 3, 1999

approves the action recommended by the City Manager on each item appearing on the “Consent Agenda” for the meeting of **June 3, 1999**. Attached hereto and incorporated herein, as if set out in full, is a copy of the “Consent Agenda” hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: June 3, 1999

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Resolution No. 15, 1999. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1999

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING AND DIRECTING A.
R. **AND** DUNNIGAN, MAYOR, TO EXECUTE
A GRANT **ADOPTION** AGREEMENT BETWEEN THE
KENTUCKY HOUSING **ONLY** CORPORATION, THE
COMMONWEALTH OF KENTUCKY AND THE CITY OF
ASHLAND REGARDING RENAISSANCE KENTUCKY.

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1999, at this its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

REGULAR MEETING JUNE 3, 1999

ORDINANCE NO. _____, 1999

ORDINANCE NO. _____, 1999

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING AND DIRECTING A.
R. **AND** DUNNIGAN, MAYOR, TO EXECUTE
AN AMENDED **ADOPTION** INTERLOCAL
COOPERATION AGREEMENT BETWEEN **ONLY**

MOTION

Motion was made by Gunderson, seconded by Reeves, to adopt Ordinance No. _____, 1999, at this its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1999

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING AND DIRECTING
THE **AND** REVOCATION OF THE CONTRACT
BETWEEN THE **ADOPTION** CITY OF ASHLAND
AND WOOLPERT CONSULTANTS **ONLY**
REGARDING THE EAST CENTRAL AVENUE
NEIGHBORHOOD IMPROVEMENTS UPON
COMPLETION OF THE CHATTEROI STREET
RECONSTRUCTION PROJECT.

MOTION

Motion was made by Gunderson, seconded by Reeves, to adopt Ordinance No. _____, 1999, at this its first reading.

DISCUSSION

Steve Cole, representing Woolpert, answered questions from the Commissioners. Commissioner Stewart requested an itemized list of the City's reasons for wanting to revoke the contract be prepared and Woolpert prepare a response to these items. Corporation Counsel Martin advised that one solution would be to have more specific language instead of an open ended contract.

MOTION TO TABLE

Motion was made by Dickinson, seconded by Reeves, to table Ordinance No. _____, 1999 until the next regular meeting. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1999

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, PROHIBITING PARKING ON THE
EAST **AND** SIDE OF 23RD STREET FROM
MONTGOMERY AVENUE **ADOPTION** TO BATH
AVENUE AND ON THE SOUTH SIDE OF **ONLY** BATH
AVENUE BETWEEN PARKING LOT ENTRANCES AND
PROVIDING A PENALTY FOR THE VIOLATION OF THIS
ORDINANCE.

REGULAR MEETING JUNE 3, 1999
ORDINANCE NO. _____, 1999 CONTINUED

MOTION

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AMENDING ORDINANCE NO. 169,
SERIES **AND** OF 1995, AS PREVIOUSLY
AMENDED, COMMONLY **ADOPTION** REFERRED TO
AS THE STOP SIGN ORDINANCE, **ONLY** AUTHORIZING
THE INSTALLATION OF A STOP SIGN NORTHBOUND
ON WADE STREET AT ITS INTERSECTION WITH
TURNER STREET.

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1999, at this
its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson,
Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1999

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AMENDING THE ZONING MAP OF
THE **AND** OFFICIAL ZONING ORDINANCE
OF THE CITY OF **ADOPTION** ASHLAND NO. 101,
SERIES OF 1986, AS PREVIOUSLY **ONLY**
AMENDED, BY CHANGING THE ZONING
CLASSIFICATION OF PROPERTY LOCATED AT 2221,
2227 AND 2229 BATH AVENUE FROM R-5
RESIDENTIAL, MEDIUM DENSITY, TO P-H PUBLIC
HOSPITAL.

MOTION

Motion was made by Reeves, seconded by Stewart, to adopt Ordinance No. _____, 1999, at this
its first reading.

DISCUSSION

Mrs. Wilbur Rideout, 2224 Bath Avenue, Hazel Dillow and Tom Dillow, 3449 S. 29th Street, and
Thora Cooksey, 2233 Bath Avenue, requested the Commission not approve the zoning
classification change.

Barbara W. Bator, 330 Ringo Street, asked about the impact of removing three pieces of property
from the tax rolls.

Kim McCann, Attorney from VanAntwerp, Monge, Jones & Edwards, representing KDMC, and
Howard Harrison, Director of Facilities and Support Services, addressed the Commission. Rev.
Harold Berrian from Ashland First Church of the Nazarene also spoke as the church is selling a
vacant house to KDMC which is part of the rezoning request.

Jim Powers, Chairman of the Planning Commission, also addressed the Commission.

Upon roll call, voting aye were Commissioners Dickinson, Reeves, Stewart and Mayor Dunnigan.
Nay - Commissioner Gunderson. Motion passed.

ORDINANCE NO. _____, 1999

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AMENDING THE ZONING MAP OF
THE **AND** OFFICIAL ZONING ORDINANCE
OF THE CITY OF **ADOPTION** ASHLAND NO. 101,
SERIES OF 1986, AS PREVIOUSLY **ONLY**
AMENDED, BY CHANGING THE ZONING
CLASSIFICATION OF PROPERTY LOCATED AT 3205
13TH STREET FROM R-5 RESIDENTIAL, MEDIUM
DENSITY, TO B-2 GENERAL BUSINESS.

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 1999, at this
its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson,
Stewart and Mayor Dunnigan. Nay - none. Motion passed.

APPOINTMENT

Motion was made by Stewart, seconded by Reeves, to approve the Mayor's appointment of
Maxine Meade to the Ashland Housing Authority Board for a four year term beginning 5/29/99 and
expiring 5/29/03. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson,
Stewart and Mayor Dunnigan. Nay - none. Motion passed.

RECESS

Mayor Dunnigan declared the meeting recessed at 8:40 PM until 5:00 PM on June 8, 1999.

A.R. DUNNIGAN, MAYOR

ATTEST:

DEBORAH D. MUSSER
CITY CLERK